

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending in the present application. Claims 1-2 and 7-10 are amended by the present amendment. Support for the amended claims can be found at least at Fig. 4 and p. 21, l. 18 – p. 23, l. 16. No new matter is presented.

In the Office Action, Claims 1, 3, 4, 6-9, 11, 12 and 14 are rejected under 35 U.S.C. § 102(b) as anticipated by Heiny (U.S. Pat. 5,778,356); Claims 2 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Heiny in view of Seiler (U.S. Pat. 7,412,374); and Claims 5 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Heiny in view of Krishnamurthy et al. (“Key differences between HTTP/1.0 and HTTP/1.1”, herein Krishnamurthy).

The Office Action rejects Claims 1, 3, 4, 6-9, 11, 12 and 14 under 35 U.S.C. § 102 as anticipated by Heiny. Applicant respectfully traverses this rejection, as independent Claims 1 and 7-9 recite novel features not disclosed by Heiny.

Independent Claim 1, for example, recites an information service apparatus for providing information to a terminal in accordance with a request sent from the terminal, the information service apparatus comprising:

an operation panel configured to display operation information ...
selecting means for *selecting a language used for displaying said operation information on said operation panel*;
language correspondence judgment means for judging whether or not the information can be provided in a language designated by discrimination information contained in the request from said terminal; and
language determination means for determining the language to be used in providing said information,
wherein, when said language correspondence judgment means determines that said information in the language designated by said discrimination information cannot be provided, said language determination means *selects the language selected by the selecting means and used for*

displaying said operation information on said operation panel as the language used for providing said information.

Independent Claims 7-9, while directed to alternative embodiments, are amended to recite similar features.

Pp. 2-3 of the Office Action notes that the language used in Heiny's fallback mode is a default language, but concedes that "[t]here is no discussion in Heiny about how one might choose a default language, leading one of ordinary skill in the art to believe that the default language would therefore be the language used by the systems in normal operations".

Therefore, as an initial matter, the Office Action appears to concede that while Heiny describes the use of a default language in fallback mode, the reference fails to explicitly disclose setting "a language used for displaying said operation information on said operation panel as the language used for providing said information", as recited in Claim 1.

Particularly, Heiny fails to disclose that the default language is necessarily the same language used to display operation information on the operation panel of his device, as claimed. Claim 1 is amended to emphasize this distinction from Heiny.

Specifically, Claim 1 recites that the information is provided in the language currently selected to be displayed on the operation panel of the information service apparatus. This language, therefore, is not merely the default language of the device but is a specific language selected based on an input received at the information service apparatus. Thus, for example, even if there is no Web display language designated or if no designation of language has been made, Web pages can be displayed in a same selected language common to persons on the same floor. Heiny, on the other hand, fails to disclose that the provided language, when a requested language can not be provided, is based on an input received at the information service apparatus, whatsoever. Therefore, Heiny clearly fails to disclose the above noted claimed features of "***select[ing] the language selected by the selecting means*** [used for

displaying said operation information on said operation panel] ***and used for displaying said operation information on said operation panel as the language used for providing said information***”, as recited in amended independent Claim 1.

Further, the Advisory Action appears to be relying on inherency to assert that the default language used as in the fallback mode in Heiny is necessarily the language used to display information on an operation panel.

In this regard, it is noted that substitution of an improper subjective conclusion as to knowledge in the art for concrete evidence of such knowledge relative to a core factual finding required for a determination of patentability is clearly improper. See In re Zurko, 59 USPQ2d 1693, 1697-98 (Fed. Cir. 2001) as follows:

With respect to core factual findings in a determination of patentability, however, the [PTO] cannot simply reach conclusions based on its own understanding or experience — or on its assessment of what would be basic knowledge or common sense. Rather, the [PTO] must point to some concrete evidence in the record in support of these findings.

Moreover, MPEP § 2112 notes that “[i]n relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination of the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” See Ex parte Levy, 17 USPQ2d 1461, at 1464 (Bd. Pat. App. & Inter. 1990).

As acknowledged in the Office Action “[t]here is no discussion in Heiny about how one might choose a default language ...” Thus, it does not necessarily flow from Heiny that this default language is necessarily the same language ***selected to be*** used to display operation on a display panel of the device. For example, p. 3 of the Office Action notes that “[i]n most instances, computers are used in the default language set up by the manufacturer prior to shipment...” In such a situation, it is reasonable that a user might change the language used for the display, as claimed, to a language other than this default language set by the

manufacturer, while the default language is still considered as such and used in the fallback mode in Heiny.

Thus, Heiny fail to explicitly or inherently disclose “*select[ing] the language selected by the selecting means* [used for displaying said operation information on said operation panel] *and used for displaying said operation information on said operation panel as the language used for providing said information*”, when his device operates in fallback mode.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 (and Claims 2-6, which depend therefrom) under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 7-9 (and the claims that depend therefrom) patentably define over Heiny.

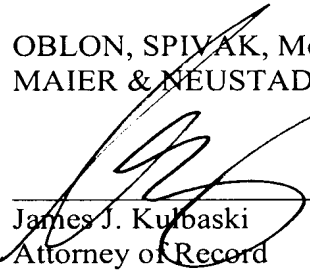
Regarding the rejection of Claims 2, 5, 10 and 13 under 35 U.S.C. § 103(a) as unpatentable over Heiny in view of Seiler or Krishnamurthy, these claims depend from one of Claims 1 and 9 and are believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that neither Seiler nor Krishnamurthy remedy the above noted deficiencies of Heiny.

Accordingly, Applicant respectfully requests that the rejection of Claim 2, 5, 10 and 13 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-14 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Andrew T. Harry
Registration No. 56,959

1919711_1.DOC